

STEPHEN A. ZAPPALA, JR.
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

County of Allegheny

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Todd Ballard
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P.O. Box 244
Collegeville, PA 19426-0244

June 18, 2013

In re: Open Records Appeal

Dear Mr. Ballard:

As you know, I am the Open Records Appeal Officer for the District Attorney of Allegheny County. On June 18, 2013 I received your appeal from the decision of Mr. Kevin F. McCarthy, Open Records Officer for the Office of District Attorney of Allegheny County, which informed you that he had attempted to again retrieve your files (having responded to an earlier request from you), only to discover that the files cannot be located at this time. In this appeal you are seeking the following:

I am requesting either a certified copy of the requested documents of public information or an affidavit stating that the requested records do not exist:

1. Notice of Aggravating Circumstances (Pa.R.Crim.P. 802)
2. Waiver of Right To Jury (Pa.R.Crim.P. Rule 807(b)[])
3. Cover-sheet of Production and Inventory (listing discovery items)

By copy of this letter I am requesting Mr. McCarthy to submit an affidavit to me in support of the representations which he made to you in his letter. I will then forward that affidavit to you. As I have 30 days to dispose of this matter (i.e., by July 18, 2013), 65 P.S. §67.1101(b)(1), I am asking Mr. McCarthy to submit his affidavit to me by July 3, 2013. I hope to be able to resolve this situation but need to advise both you and Mr. McCarthy that at the end of the 30 day period, if Mr. McCarthy has not submitted the requested affidavit, or if the affidavit is not acceptable to you,

the parties will have 30 days (our until August 17, 2013) to appeal this decision to the Court of Common Pleas. See 65 P.S. §67.1302.

Very truly yours,

Michael W. Streily
Deputy District Attorney
Open Records Appeal Officer

cc: Kevin F. McCarthy, Esquire
Open Records Officer